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Paper No. 4

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

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JUN 05 2002

In re Application of :  
Casati et al. :  
Application No. 10/038,141 :  
Filed: January 3, 2002 :  
Attorney Docket No. 7-3 :

**OFFICE OF PETITIONS**

DECISION GRANTING  
PETITION

This is a decision on the petition filed April 17, 2002, to accord the above-identified application a filing date of January 3, 2002.

On January 3, 2002, the application was filed.

On February 12, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on January 3, 2002. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Formal Drawings 5 pages" on January 3, 2002.<sup>1</sup> Petitioner has also submitted a copy of the missing documentation- 5 pages of drawings.

Upon review of the record, the drawings deposited on January 3, 2002, have not been located. However, the evidence is convincing that the application papers deposited on January 3, 2002, included the drawings and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of January 3, 2002.

In view of the above, the petition is **granted**. The copy of the drawings submitted with the petition will be used for examination purposes.

No petition fee is required and none has been charged.

The Notice mailed February 12, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 3, 2002, using the application papers filed on January 3, 2002, and the copy of five pages of drawings filed on April 17, 2002.

<sup>1</sup> Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
Charles Steven Brantley  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy